

3. In clause 3 the sum of \$2,000 insurance in the A. O. U. W. is spoken of, but only \$1,000 is disposed of. What of the balance?

As the sums are specifically mentioned which the beneficiaries are to receive, I can find no reason for increasing them in any respect. There is consequently an intestacy as to \$1,000.

4. "Hatch, Jr." is given \$50.

Mr. John Hatch has only two sons, William Hatch, who is admittedly the William Hatch or legatee of \$50 in the same clause 3—and Nelson Hatch, now about 18 years old, and eight years younger than his brother. The testator was in the habit of referring to Nelson as "young Mr. Hatch" and "Hatch Junior." There can be no doubt that Nelson Hatch is the beneficiary named.

*Lee v. Pain* (1844), 1 Hare 201, at p. 251; *Dowsel v. Sweet Amb.* 175, and note; Theobald, 4th ed., p. 221; *Re Patrick Moran* (1910), 17 O. W. R. 578; *Re Catharine Gordon* (1911), 20 O. W. R. 528.

5. What does clause 4 mean?

One cannot congratulate the draftsman whoever he may have been, in making his meaning plain. The best I can do is to find that the \$1,000 is to be applied in making all payments for and out of the estate which are not specified, but which are necessary. Such payments are not specified as have no fund specifically provided for them—*e.g.*, debts, funeral and testamentary expenses, costs of solicitors, etc., in administering the estate, executors' commission, etc., etc.

6. And who are the "recipients of this will?"

Literally speaking, the only recipients of the will are those who receive the will itself, the officers of the Surrogate Court; but no doubt what is meant is "beneficiaries under the will"—and that means all who receive any benefit under the will.

1, Mrs. Hunt; 2 and 3, her two sons; 4 to 8, Mrs. Jas. Hussy's five children; 9, Olivet Baptist Church; 10, Peter Humphrey; 11, John McIntosh; 12, William Hatch; 13, Maggie Hatch; 14, Nelson Hatch, and 15, Olivet Baptist Sunday School.

7. There is an intestacy as to (a) the household furniture of the two parlors; (b) \$1,000 of the A. O. U. W. insur-